

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

HICKORY WESLEY MCCOY,
Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING MOTION TO
CONTINUE AND TO EXCLUDE
TIME UNDER SPEEDY TRIAL ACT

Case No. 2:12-CR-218 TS

This matter is before the Court on Defendant's Motion to Continue and to Exclude Time Under the Speedy Trial Act.¹ Defendant requests that the currently scheduled trial date of March 18, 2013, be continued for no less than 90 days. The Government does not object to Defendant's request for a continuance.

An indictment was brought against Defendant in this case on April 25, 2012. Defendant entered his initial appearance on June 15, 2012. At that time, Defendant retained counsel to represent him in this matter. Subsequently, Defendant's retained counsel sought to withdraw from representation. Defendant was appointed new counsel on January 7, 2013. Since that time, Defendant filed several *pro se* motions. At a hearing on those motions, Defendant requested that

¹Docket No. 77.

he be appointed new counsel. On March 8, 2013, the Court granted Defendant's request and appointed new counsel.


Defendant's newly appointed counsel now moves for a continuance of the current trial date because counsel has a conflicting trial commitment before this Court and because counsel will need additional time to review the discovery provided in this case, familiarize herself with all previous suppression motions, and meet with Defendant to review the case. The Defendant affirmatively waives any speedy trial issues and states that the grant of this motion is in the interest of justice.

Pursuant to 18 U.S.C. § 3161(h)(7)(B)(i) and (iv), the Court finds the ends of justice served by such a continuance outweigh the best interests of the public and the defendant to a speedy trial and will grant Defendant's Motion. It is therefore

ORDERED that Defendant's Motion to Continue and to Exclude Time Under the Speedy Trial Act (Docket No. 77) is GRANTED. The trial currently scheduled for March 18, 2013, will be re-set for June 24, 2013, at 8:30 am. The time of the delay shall constitute excludable time under the Speedy Trial Act.

DATED March 12, 2013.

BY THE COURT:



TED STEWART
United States District Judge